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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 06-CV-0184J
)	and
)	Consolidated Case
WYOMING AND COLORADO)	No. 06-CV-171J
RAILROAD COMPANY, INC.,)	
et al.)	
)	
Defendants.)	

**UNITED STATES' RESPONSE TO MOTION OF
DEFENDANT/CROSS-CLAIMANT MARVIN M. BRANDT FOR ORAL HEARING
ON CROSS-MOTIONS FOR SUMMARY JUDGMENT**

Plaintiff United States of America, by and through the United States Attorney for the District of Wyoming and Assistant United States Attorneys Carol A. Statkus and Nicholas Vassallo, responds to the Motion for Oral Hearing on Cross-Motions for Summary Judgment filed by Defendant/Cross-Claimant Marvin M. Brandt as follows:

As noted in Brandt's motion, the United States takes no position on the request for oral argument. The Court is in the best position to determine whether oral argument would assist it in determining the issues raised by the cross-motions for summary judgment. If the Court feels oral argument would be helpful, the United States would be pleased to orally present its arguments to the Court. On the other hand, if the Court feels oral argument would not be helpful, the United States has no objection to a decision on the briefs.

Respectfully submitted this 9th day of January, 2008.

JOHN R. GREEN
Interim United States Attorney

By:

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CERTIFICATE OF SERVICE

I hereby certify a true and correct copy of the **UNITED STATES' RESPONSE TO MOTION OF DEFENDANT/CROSS-CLAIMANT MARVIN M. BRANDT FOR ORAL HEARING ON CROSS-MOTIONS FOR SUMMARY JUDGMENT** was served upon the following by the method(s) indicated below on the 9th day of January, 2008.

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